

ON TRACK WITH MDT

By the time this goes to print, legislative session will be in full swing, and I will be at the Capitol discussing various issues that affect not only my department, but the state of Montana as well.

The most significant proposals MDT will be making to the 2003 Legislature pertain to the issues of driving under the influence. Specifically, MDT will be asking the Legislature to 1) pass legislation reducing the legal blood alcohol content (BAC) to .08; 2) enact legislation prohibiting any open container containing alcohol anywhere within the passenger area of a vehicle; and 3) amend repeat offender penalties for repeat DUI or DWI offenses.

The third proposal includes requests to increase the penalty for a first offense to a mandatory license revocation without possibility of a provisional license; to legislate mandatory jail time for a second offense and possible forfeiture of a repeat offender's vehicle; and to increase the penalties for third and subsequent offenses. (In Montana, existing law already makes the penalty for a fourth offense harsher than the federal requirement.)

Passage of all three requests is crucial: alcohol-related crashes took 104 lives in Montana in 2001, and alcohol/drug-related crashes cost Montanans over \$400 million between 1998 and 2000 (based on National Safety Council accident costs). In addition, failure to enact these laws will force the transfer or loss of Federal-aid construction funds at a rate of \$15 million in federal fiscal year 2004 and \$26.5 million in federal fiscal year 2007.

MDT's other proposals include the following:

- ◆ An amendment to the condemnation law that would allow MDT to expedite court proceedings when determining the "necessity" of obtaining certain property for highway purposes. The intent of this bill is to try and keep project scheduling on track without denying a landowner the opportunity to contest the need for taking his/her property, without impacting the property owner's ability to question value, and without denying the landowner's right to have the issue of value decided in a court proceeding.
- ◆ A bill that would allow the private sector to advertise services and local events to the traveling public via kiosks at rest areas and other strategic locations in return for helping fund the installation and ongoing maintenance of the kiosks.
- ◆ The approval of a pilot program to use a design-build construction contracting process that would allow design and construction to be done in a single contract versus a design-bid-build series of contracts. This pilot, recommended by my Design-Build Task Force, would require reporting to the 2009 Legislature on whether or not the process should be made a permanent contracting method.
- ◆ A bill that would allow MDT to construct school bus pullouts/pick-up sites where a bus operator would *not* be required use flashing signals when stopped. The bill would only apply to sites in a reconstruction project where the necessary property

has been acquired. School districts would have to approve the designated drop-off and pick-up locations.

- ◆ A bill increasing the lease term of airport property from 10 years to 40 years. This would allow the lessee the opportunity to recover investment costs on improvements to airport facilities.
- ◆ A request to repeal the sunset provision in HB 131, which required MDT to report on our fuel inspection of diesel-powered vehicles since the bill was approved in 2001. We are asking that this provision be lifted so the program can continue.
- ◆ A request to update five state traffic codes according to National Traffic Code. This would remove inconsistencies/redundancies and modernize Montana's codes.

In addition, MDT is requesting spending authority for two projects that will be paid for through federal – rather than state – allocations. First, we are asking for the authority to spend \$100 million in Garvee bonds that will be deposited into the Highway State Special Revenue Account for construction on U.S. 93 between Evaro and Polson. (The Governor approved the sale of these bonds in 2001). Using the bonds will significantly expedite the construction process, and MDT will repay the debt using a portion of the Missoula district's annual Federal-aid allocation.

Second, we are asking for the authority to spend \$8 million in federal funds on an information project that would create an integrated financial management system. The project, which would be paid for with indirect cost earmarks, would help MDT 1) track design and development costs, and 2) provide better management for project development, thereby identifying areas where costs are excessive. We feel that this is an essential project: even though it would reduce highway construction dollars by \$8 million over the next two years, the potential savings to the department are significant. Our goal is to have the project completed by December 2004 – and, as always, to keep the public informed of our progress so that we all can stay “on track” with MDT.

Dave Galt
Director